IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

**WRIT PETITION NOS. 1751/2006, 1743/2006 & 2124 OF 2006**

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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CORAM : B.P. DHARMADHIKARI, J.
AUGUST 22, 2006.

Heard Shri Gilda, learned counsel for the petitioner, Smt. Taiwade, AGP for respondent No.1 and Shri Bhangde, learned counsel for respondent No.2.

Shri Gilda, learned counsel for the petitioner states that though there are valid reasons for seeking condonation of delay, the reasons unfortunately were not disclosed in the application moved and same has been dismissed. He, therefore, prays for liberty to state those reasons and to move fresh application seeking condonation of delay in filing Change Report under Section 22 of Bombay Public Trust Act.

Shri Bhangde, learned counsel for respondent No.2, on the other hand, opposes this request. He contends that the

opportunity was given to the petitioner, who is law graduate. He further states that the matter was extensively argued and case law was also considered and thereafter impugned order has been passed. According to him, therefore, no second chance in this respect can be granted.

In reply Shri Gilda, learned counsel states that the petitioner is not intending to put in any new case and the case which already existed on the basis of documents is sought to be placed for consideration before Respondent No.1. He relies upon the judgment of this Court in the case of D.V. Panse vs. Laxminarayan, reported at 2002 (4) Mh.L.J. 872, particularly paragraph 6 to submit that in such circumstances, until and unless there are special reasons warranting rejection of application for condonation of delay, the delay needs to be condoned.

The learned counsel for respondent No.2 states that no such liberty to file fresh application should be granted.

I find that the petitioner is free to move application for condonation of delay pointing out the facts and circumstances

which already existed and which could not be placed for consideration before Respondent No.1 at appropriate time and the authority is free to consider it as per law. However, insofar as the impugned order is concerned, I find that after considering the material placed on record, the authority has passed order which is well reasoned and there is no perversity or jurisdictional error. Therefore, no case is made out for interference in writ jurisdiction. Writ Petitions are dismissed. No order as to costs.

**JUDGE**

*GS.